

MEMORANDUM

SUBJECT: Request for the Biweekly Exception for Maximum Earnings Limitation for
Emergency Responders Working the (E15601) Mid Valley Pipeline Oil Spill

FROM: Carl E. Edlund, P.E., Director
Superfund Division

TO: Ron Curry
Regional Administrator

THRU: James McDonald
Assistant Regional Administrator
for Management

Request your concurrence to allow for an exception to the biweekly maximum earnings limitation for emergency response work that was performed near Mooringsport, Louisiana in response to the Mid Valley Pipeline Oil Spill. EPA Region 6 personnel were on scene starting October 13, 2014 and demobilized from the incident on November 6, 2014.

Situation:

On October 13, 2014, a 20" Sunoco pipeline discharged approximately 4500 barrels of crude oil into Miller Branch Creek and Tete Bayou. Approximately 10 miles of creek and bayou were impacted before being stopped just prior to Caddo Lake. Residents from two homes were temporarily relocated until it was deemed safe for them to return. EPA mobilized personnel to the incident to ensure that the spill was safely and properly cleaned up, impacts from the response were minimized and response actions are coordinated with local, state and federal response partners. EPA established unified command as the Lead Federal Agency for the incident along with Louisiana State Police & Sunoco. Supporting agencies include: Louisiana Department of Environmental Quality, US Fish and Wildlife, Louisiana Wildlife and Fisheries & Caddo Parish Sheriff Office.

This emergency response action is deemed mission critical to the agency. The spill was classified as a "major" per the National Contingency Plan (NCP) and EPA provided the Federal On Scene Coordinator (FOSC) for the incident. EPA is ensuring that adequate response actions are taken to recover the oil and prevent further migration of the oil downstream, the public remains safe and the impact of response actions are minimized. EPA issued Sunoco a Federal Letter of Interest (NOFI) alerting them that they were required to conduct a spill response that met EPA's FOSC approval. EPA's expense for responding to the incident are reimbursable from the Oil Spill Liability Trust Fund (OSLTF).

Personnel Affected by this Waiver: William Rhotenberry, Nicolas Brescia and Matthew Loesel

Pay Periods Affected:

Oct 5 to Oct 18, 2014

Oct 19 to Nov 1, 2014

Nov 2 to Nov 15, 2014

Response Strategy:

EPA employees were required to work extensive overtime hours to meet respective response cleanup schedules. These hours were kept to a minimum whenever practical, however there were needs of the response and the response command staff. This response requires EPA to serve as the Federal On-Scene Coordinator (FOSC) within the Unified Command to establish response objectives and ensure that the objectives are met. In the course of carrying out the program's mission, the staff were required to work long hours to prevent further risk or injury to the public or further harm and degradation to the environment.

Management of Work Schedules:

The work schedules of the individuals that worked these hours are not considered excessive and are required to meet program objectives. Adjustments to employee work schedules were not made during the impacted pay periods because response activities and operational tempo remained high. The response still required a seven day work week. Management intended to manage this response to completion with the currently assigned personnel to foster consistency and accountability; lessons learned from previous large response actions.

The authorization to waive the pay requirements comes from the Regional Administrator's Authority under the provisions of 5 CFR 550.106 (a) to designate a "Non Natural Emergency Disaster Designation" that involves a direct threat to life and property related to the continuation of the potential public health threat created by the incident.

CONCUR

DATE: _____

Ron Curry
Regional Administrator

NON-CONCUR

DATE: _____

Ron Curry
Regional Administrator